REMARKS

Applicants hereby affirm the provisional election without traverse, of the invention of Group 1, claims 1-15, 26-30, and 32. Applicants have cancelled claims 16-25, 31 and 33 from further consideration in this application.

Claims 1-15, 26-30, and 32, all the claims pending in the application, stand rejected on prior art grounds. Claims 7, 13, and 15 stand rejected under 35 U.S.C. §112, second paragraph. Applicants respectfully traverse these rejections based on the following discussion.

I. The 35 U.S.C. §112, Second Paragraph, Rejection

Claims 7, 13, and 15 stand rejected under 35 U.S.C. §112, second paragraph. More specifically, the Office Action asserts that there is insufficient antecedent basis for "the output data" in claim 7 (Office Action, p. 4). Applicants have amended claim 7 to define "comparing a required data format for monitoring data with ~~the~~ output data format capabilities".

Furthermore, the Office Action asserts that the term "best" in claims 13 and 15 is a relative term which renders the claims indefinite (Office Action, p. 4). Applicants have amended claims 13 and 15 to define "select[ing] a best match, relative to other matches based on quality of service parameters, between the monitoring requirements of the consumer entity and the monitoring capabilities of the plurality of monitoring entities". In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

II. The Prior Art Rejections

Claims 1-12, 14, 26-30, and 32 stand rejected under 35 U.S.C. §102(b) as being anticipated by Tanaka, et al. (U.S. Publication No. 2002/0029185), hereinafter referred to as Tanaka. Claims 13 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka, in view of Koistinen, et al. (U.S. Patent No. 6,154,778), hereinafter referred to as Koistinen. Applicants respectfully traverse these rejections based on the following discussion.

A. The Rejection Based on Tanaka

The claimed invention provides a method for monitoring resources of a data processing network on behalf of consumer entities within the network. In the rejection, the Office Action argues that the "auction sites" of Tanaka teach the "monitoring entities" of the claimed invention. Applicants respectfully disagree and submit that the "auction sites" of Tanaka are not "adapted to monitor said resources of said data processing network" (independent claims 1, 15, 26, 29, and 32). Instead, the only monitoring in Tanaka is performed by the "brokerage server". Therefore, as explained in greater detail below, Applicants respectfully submit that the prior art of record does not teach or suggest the claimed invention.

Applicants traverse the rejections because Tanaka fails to teach or suggest the claimed features of comparing the monitoring requirements of the consumer entity with monitoring capabilities of a plurality of monitoring entities, "wherein said monitoring

entities are adapted to monitor said resources of said data processing network". Such features are defined in independent claims 1, 15, 26, 29, and 32 using similar language.

The Office Action argues that the "auction sites" of Tanaka teach the "monitoring entities" of the claimed invention (Office Action, p. 5, para. 1). Applicants respectfully disagree; and, submit that the "auction sites" of Tanaka are not "adapted to monitor said resources of said data processing network" as defined in independent claims 1, 15, 26, 29, and 32. Instead, Applicants submit that the only monitoring in Tanaka is performed by the "brokerage server".

More specifically, as described in the Abstract of Tanaka, after registration of the commodity at the selected auction servers, the brokerage server monitors trading status at the sites where the commodity is auctioned and performs the brokerage service until termination of the auction.

As further described in paragraph 0020 of Tanaka, the auction site information processing section 243, acquires the interim report from the auction servers 221. The auction site information processing section 243 also receives notification about auction results from the auction servers 221 to convey such notification to the user request processing section 241.

Additionally, the monitoring performed by the "brokerage server" is described in paragraph 0038 of Tanaka, which provides that information sent from the auction servers 221 to the brokerage server 230 includes the registration number, the user name, success/fail of the trade, the trading price when the trade has succeeded, the name of the successful bidder and so on. The auction information processing section 243 receives

such information and notifies the user request processing section 241 of it.

Nevertheless, Applicants submit that the "auction sites" of Tanaka (which the Office Action asserts teaches the "monitoring entities" of the claimed invention) are not "adapted to monitor said resources of said data processing network" as defined in independent claims 1, 15, 26, 29, and 32. Instead, the "auction sites" are being monitored by the "brokerage server" of Tanaka.

To the contrary, as described in paragraph 0003 of Applicants' disclosure, monitoring of distributed systems is necessary for many purposes, including resource management, workload management (including load balancing and admission control), management of Quality of Service (QoS) and Service Level Agreements (SLAs), metering and accounting of system usage, fault detection and recovery and consistency management.

As further described in paragraph 0014 of Applicants' disclosure, the monitoring entities are typically computer program components that perform monitoring functions, although monitoring entities may be implemented in hardware or `firmware`. Monitoring entities can establish connections to other components, receive and collect output data from a resource, and report the collected data to a consumer entity. A more detailed description of the monitoring entities is provided in paragraphs 0097-0136 of Applicants' disclosure.

Accordingly, Applicants submit that the "auction sites" of Tanaka (which the Office Action asserts teaches the "monitoring entities" of the claimed invention) are not "adapted to monitor said resources of said data processing network". Instead, the only

monitoring in Tanaka is performed by the "brokerage server". Therefore, it is Applicants' position that the prior art of record fails to teach or suggest the claimed features of comparing the monitoring requirements of the consumer entity with monitoring capabilities of a plurality of monitoring entities, "wherein said monitoring entities are adapted to monitor said resources of said data processing network" (independent claims 1, 15, 26, 29, and 32).

Therefore, it is Applicants' position that the proposed combination of Tanaka and Koistinen does not teach or suggest many features defined by independent claims 1, 15, 26, 29, 32 and that such claims are patentable over the prior art of record. Further, it is Applicants' position that dependent claims 2-12, 14, 27-28, and 30 are similarly patentable, not only because of their dependency from a patentable independent claims, but also because of the additional features of the invention they defined. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

B. The Rejection Based on Tanaka and Koistinen

Applicants submit that Koistinen is cited by the Office Action for the mere purpose of "initiating a negotiation between the consumer entity and a plurality of monitoring entities to select a best match between the monitoring requirements of the consumer entity and the monitoring capabilities of the plurality of monitoring entities" (Office Action, p. 9, para. 2-3). Nevertheless, nothing within Koistinen teaches that the "server" (which the Office Action asserts teaches the "monitoring entities" of the claimed

invention) is "adapted to monitor said resources of said data processing network" as defined in independent claims 1, 15, 26, 29, and 32. Instead, during the negotiations, the "client" of Koistinen (which the Office Action asserts teaches the "consumer entity" of the claimed invention) is required to monitor responses from the "server" (Koistinen, Abstract).

Therefore, it is Applicants' position that the proposed combination of Tanaka and Koistinen does not teach or suggest many features defined by independent claims 1 and 15 and that such claims are patentable over the prior art of record. Further, it is Applicants' position that dependent claim 13 is similarly patentable, not only because of its dependency from a patentable independent claim, but also because of the additional features of the invention it defined. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

II. Formal Matters and Conclusion

In view of the foregoing, Applicants submit that claims 1-15, 26-30, and 32, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary. Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

Respectfully submitted,

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